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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
09/326,405	06/04/99	LUNDAHL	D 363-01 <i>JM</i>

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DEAN P EDMUNDSON  
P.O. BOX 710  
WINDSOR CO 80550

EXAMINER
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TRAN A, P
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ART UNIT

PAPER NUMBER

3635  
DATE MAILED:

*10*

09/13/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

1- File Copy

<b>Office Action Summary</b>	Application No. <b>09/326,405</b>	Applicant(s) <b>Dave Lundahl</b>
	Examiner <b>Phi Dieu Tran A</b>	Art Unit <b>3635</b>

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1)  Responsive to communication(s) filed on Aug 8, 2001
- 2a)  This action is FINAL.      2b)  This action is non-final.
- 3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

#### Disposition of Claims

- 4)  Claim(s) 4-10 is/are pending in the application.
- 4a) Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5)  Claim(s) \_\_\_\_\_ is/are allowed.
- 6)  Claim(s) 4-10 is/are rejected.
- 7)  Claim(s) \_\_\_\_\_ is/are objected to.
- 8)  Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9)  The specification is objected to by the Examiner.
- 10)  The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.
- 11)  The proposed drawing correction filed on \_\_\_\_\_ is: a)  approved b)  disapproved.
- 12)  The oath or declaration is objected to by the Examiner.

#### Priority under 35 U.S.C. § 119

- 13)  Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

a)  All b)  Some\* c)  None of:

1.  Certified copies of the priority documents have been received.
2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\*See the attached detailed Office action for a list of the certified copies not received.

- 14)  Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

#### Attachment(s)

- 15)  Notice of References Cited (PTO-892)      18)  Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 16)  Notice of Draftsperson's Patent Drawing Review (PTO-948)      19)  Notice of Informal Patent Application (PTO-152)
- 17)  Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_      20)  Other: \_\_\_\_\_

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## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 4-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dickerson et al in view of Panttila and Peterson III.

Dickerson et al (figure 2) shows a combination comprising a window frame having a fixed frame section (1-4), a movable sash section (8), the sash section including an edge which overlaps said fixed frame section, said fixed frame defining an opening of given dimension, fasteners (60) directly secured to the side edge of the sash and fastened the sash to the fixed frame at an inwardly extending portion of the fixed frame which is overlap by the sash, the fixed frame and the sash including complementary shaped edges, the fixed frame section having a hardware housing portion (inside of section 4, figure 3) and the strip is secured directly to said housing portion (top of figure 3) with said sash section overlaps said housing section, said sash being rectangular, the attachment of the sash to the fixed frame does not reduce the size of the opening. Dickerson et al also discloses a screen mesh being an alternate embodiment.

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Dickerson et al does not disclose a rectangular screen mesh having a first fastener strip secured thereto and the first fastener being secured to a second fastener strip which is directly secured to a fixed frame section in combination with the sash, the fastener strip being hook and loop fasteners.

Peterson III discloses hook and loop fastener strips attaching a fixed frame and a sash together for easy mounting.

Panttila discloses a window frame having a fixed frame section (32) having an edge thereof, the edge having a rectangular screen (17) and a sash (62) attaching thereto for protecting the window opening.

It would have been obvious to one having ordinary skill in the art to modify Dickerson et al to show a rectangular screen mesh having a first fastener strip secured thereto and the first fastener being secured to a second fastener strip which is directly secured to a fixed frame section in combination with the sash, the fastener strip being hook and loop fasteners because it is well-known expedient in the art to cover a window opening with both a rectangular screen mesh and a sash, and it would have been obvious to modify Dickerson et al to show hoop and loop fasteners attaching a screen mesh to the fixed frame because it would enable easy and fast mounting as taught by Peterson III.

3. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Dickerson et al in view of Panttila and Peterson III and further in view of Jones et al.

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Dickerson et al as modified by Panttila and Peterson III shows all the claimed limitations except for the window screen and the window opening being non-rectangular.

Jones et al (figures 1 and 7) shows rectangular and non-rectangular window openings with screen covering (figure 3).

It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Dickerson et al's modified structure to show the window opening and the screen being non-rectangular because it is well-known expedient in the art to have window openings being non-rectangular and screens being non-rectangular to cover the non-rectangular openings.

4. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Dickerson et al in view of Panttila and Peterson III.

Dickerson et al as modified by Panttila and Peterson III shows all the claimed structures. The claimed method steps of attaching a screen mesh to a window would have been the obvious method steps of attaching Dickerson et al's modified structures.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The prior art shows different window frames.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Phi Dieu Tran A whose telephone number is (703) 306-9136. The examiner can normally be reached on Monday to Thursday from 8:00 to 5:00. The examiner can also be reached on alternate Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Carl Friedman, can be reached on (703) 308-0839. The fax phone number for the organization where this application or proceeding is assigned is (703) 305-3597.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.

Phi Dieu Tran A

9/7/2001

  
Carl D. Friedman  
Supervisory Patent Examiner  
Group 3600